

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

October 20, 2005 (Thursday) 7:00 P.M.
Memorial Hall, 3rd Floor, City Hall

Members Present: Edward Clancy-Chairman, David Williams, Allan White, Lawrence Roy, Donald Rider, Jr., John Skarin, and Priscilla Ryder-Conservation Officer

Absent: Dennis Demers

Public Hearing

Notice of Intent

- 109 Lakeshore Dr- John Smith, owner
Hank Black, the builder, was present and presented his plan to add two 2 ½ foot half circle swim out areas in the existing retaining wall along the edge of Ft. Meadow Reservoir. Chairman Clancy reviewed the sketch and discussed construction practices with Mr. Black and asked when the work would be done. Mr. Black said soon. However, Ms. Ryder indicated that during her site visit prior to the meeting, she noted that the work had already been completed. The Commission asked Mr. Black why he proceeded without a permit; he indicated that he thought it would be ok. The Commission Members agreed to go check out the site and continued the hearing to the Nov. 3rd meeting when they would discuss the project further and impose any fines that should be assessed for proceeding without a permit.

Notice of Intent

- 479 Farm Rd. – Lusmar DeSouza
Mr. DeSouza was present. Chairman Clancy noted that the abutters had not been properly notified; therefore the meeting would be continued to the Nov. 3rd meeting in order for proper notification of abutters. Several members noted that the fence along the brook had been damaged and that many trucks have been parked on the lawn. The expansion of the driveway should allow for limiting parking to the pavement only.

Abbreviated Notice of Resource Area Delineation (ANRAD) (continued)

- Rte. 20 & Glen St. - Thomas Wilbum (Ninety Nine Restaurant & Pub)
The applicant's representative Atty. David Gadbois had submitted a letter dated Oct. 20, 2005 requesting the withdrawal of the ANRAD. Chairman Clancy read the letter into the record, a copy of which is in the file. The 99 Restaurant is not proposing any work within the buffer zone of the adjacent wetland and will be more than 120 feet away from the bordering vegetated wetland. The Commission voted unanimously to accept the withdrawal of the ANRAD.

Notice of Intent

- City of Marlborough (DPW) - (continued)

Brendon Quiggley of Rizzo Associates was representing the City of Marlborough. He summarized the site visit which occurred on Oct. 15th. Based on the site visit and the discussion at the last meeting, he provided the following additional information:

1. Detailed plan about where the wetland crossing work is to take place.
2. A construction sequencing and dewatering plan was discussed

Several neighbors were in the audience and were concerned about the Hutchinson Dr. to Woodland Dr. easement. Jim Arsenault replied that this section of sewer is an alternate on the bid package and would only be done if funds allow. The abutter Tom Fama wanted to know who needs to grant the easements and can one abutter stop the project? Jim Arsenault indicated that the easements would need to be given to the city as this is a "betterment" for the neighborhood but, if an abutter does not grant the easement needed, the project would likely not go forward.

The Commission asked questions in regards to timing and construction sequencing. The reply was that the work would be done in July & August at times of low flow. The stream crossing at Goodale St. would take about a week. To protect the stream bank, the ledge in the area would be hammered out rather than blasted to help control stream destruction. The wetland planting plans were also reviewed and discussed.

One abutter was concerned about whether the rims of the sewer manholes shown on his lawn would be elevated or flush with the ground. Mr. Quiggly responded that it would be flush with the ground and all lawn areas would be stabilized with loam and seed when complete

After further discussion, the Commission closed the hearing and asked Ms. Ryder to draft an Order of Conditions for review at the next meeting.

Notice of Intent

- 114 Concord Rd. - City of Marlborough (DPW) (continued)

Jim Arsenault presented a plan to correct the eroded stream bank in the section of the stream between Concord Rd. and Stow Rd. After the recent rain storms, the scour on the banks is very obvious. There are two drain pipes under Concord Rd. but, one of these has been and are not working properly and may be causing some of the back up and scouring. The Commission reviewed the plan for some steps to be added and some stone stabilization along the stream banks. The Commission questioned the design of adding vegetation along the mid bank, instead of just on the top of the bank. They asked Mr. Arsenault to redesign the side slopes of the stream and provide more rip rap on the bottom of the stream. The Commission, with the applicants consent, agreed to continue the hearing to Nov. 3, 2005.

Request for Determination of Applicability (continued)

- 132 Stevens St. - Jovelino Samuel

At the applicant's request, this item was continued to the next meeting.

Certificates of Compliance

- DEP 212-880 Pleasant Garden – Project not complete and this item was continued.
- DEP 212-755 196 Raymond Rd. (Lot 3) - This order was for the roadway, not the house and all work is complete. The Commission voted 6-0 to issue a Certificate of Compliance.
- DEP 212-889 719 Hosmer St.- The applicant provided a letter stating he is not able to get an As-Built Plan from the builder as required. However, he has received approval from the Board of Health and wanted similar consideration from the Commission. The Commission noted that the As-built plan is required and if he needs to hire another engineer he may need to do so. Ms. Ryder will notify the applicant of this requirement.

Extension Permits

- DEP 212-439 Ft. Meadow Reservoir Maintenance Order of Conditions - The Commission reviewed the Order of Conditions for maintenance of walls and beaches along the lake and voted 6-0 to issue a 5 year extension of this Generic Order.

Draft Orders

- DEP 212-967 435 Lakeside Ave. - The Commission reviewed the draft Order of Conditions for this project and voted 6-0 to issue the Order of Conditions as drafted and amended.

Certificate of Compliance

- DEP 212- 832 – 435 Lakeside Ave. - At the request of Atty. Arthur Bergeron, the Commission reviewed a request for a Certificate of Compliance noting that this project never commenced and the Order of Conditions is essentially rescinded. He asked to clear the title to this project, since the Commission just voted on the approval of a new Order of Conditions which would supersede this filing. The Commission voted 6-0 to issue the Certificate of Compliance as noted.

Site updates/ Violation Notice

- Violation Notice - 233 South Street
Chairman Clancy read the Violation Notice issued to the owner and discussed the reason that the wall was in violation, because it is within the inland restricted wetland area and the floodplain to South Street Brook. Reginaldo Demorais, the property owner was present and explained that he had built the wall on his lawn area. The Commission explained that this area is a resource area, so any work requires a permit. However, no work is permitted in a wetland without compensation. In this case, this work was done without any permits and without the proper documentation to evaluate the impact to the wetland or the floodplain. After some discussion, the Commission decided that they would each take a look at the wall in the field and the Commission as a whole would determine what is to be done at the next meeting on Nov. 3, 2005.

- Update - Fairfield at Marlborough
Work is proceeding rapidly on this project. After some heavy rains, the site has held up quite well. Consultant and contractors seem to be monitoring the site diligently. The contractor has asked for relief from one of the conditions which requires binder be placed around all foundations in a phase prior to framing. The Commission indicated that they would not approve of such a change. Ms. Ryder will notify Fairfield of this decision.
- Update - Rte. 20 East Roadway Work (Dunkin Donuts)
Work seems to have stopped due to the wet weather. The trenches are open and the site is a mess however, the stream is still miraculously clean.

Correspondence

The Commission reviewed the below listed documents and voted to accept and place on file:

- Department of Conservation and Recreation – Forest Cutting Plan for Marlborough State Forest (off Concord Rd.)
- Letter from Stephen Poole to DEP requesting Certificate of Compliance for Lots 1 & 2 Wayside Inn Rd.

Other Business

- 386 South St. – The owner has asked for permission to demolish this building and would like to do so without a wetlands permit if possible. The Commission noted that much of the work falls within the 100' buffer zone and therefore would require a permit.
- Emergency Action – Hager Pond drawdown
Due to the heavy rains over the past week, the Office of Dam Safety has required the removal of the flash boards at the spillway to Hager Pond. The dam is owned by the two abutters who own to the centerline of the brook. The Dept. of Environmental Protection (DEP) and the Office of Dam Safety have requested an Emergency Certification from the Commission to allow for the drawdown of the pond. A copy of the Emergency Certification was reviewed by the Commission. The Commission voted 6-0 to approve this document.

Meetings

- Next Conservation Commission meetings Nov. 3rd and Nov. 17, 2005 (Thursdays)

Adjournment

There being no further business, the meeting was adjourned at 10:15 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer